

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM BERRY,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, THE HONORABLE SALLY L.
LOEHRER, DISTRICT JUDGE,

Respondents,

and

THE STATE OF NEVADA,
Real Party in Interest.

No. 47800

FILED

AUG 23 2006

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION

This is a proper person petition for a writ of certiorari. Petitioner claims that his due process rights were violated because the district court did not follow the procedures for determining competency set forth in NRS chapter 178.

"A writ of certiorari is an extraordinary remedy and the decision to entertain a petition for a writ of certiorari lies within the discretion of this court."¹ We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted.² A challenge to the validity of the judgment of conviction and sentence must be raised in a post-conviction

¹Zamarripa v. District Court, 103 Nev. 638, 640, 747 P.2d 1386, 1387 (1987).

²See NRS 34.020.

petition for a writ of habeas corpus filed in the district court in the first instance.³ Petitioner may then appeal to this court from a final, adverse decision.⁴ Accordingly, we

ORDER the petition DENIED.⁵

Douglas, J.
Douglas

Becker, J.
Becker

Parraguirre, J.
Parraguirre

cc: Hon. Sally L. Loehrer, District Judge
William Berry
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

³See NRS 34.738(1). We express no opinion as to whether petitioner could satisfy the procedural requirements of NRS chapter 34.

⁴See NRS 34.575(1).

⁵We have received all proper person documents submitted in this matter, and we conclude that no relief is warranted.